

Notice of Allowability

Application No.

09/764,783

Examiner

Jehanne S Sitton

Applicant(s)

RODRIGUEZ ET AL.

Art Unit.

1634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to The After Final Amendment filed 10/28/2002.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☒ The drawings filed on 17 January 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date Paper #1.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Jehanne Sitton
JEHANNE SITTON
PRIMARY EXAMINER

2/17/05

REASONS FOR ALLOWANCE

1. The examiner reviewing your application at the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to examiner Jehanne Sitton.
2. Upon further review, prosecution in the instant application has been reopened. The Amendment After Final Rejection, filed 10/28/2004 has been entered. Accordingly, amended claims 1 and 2 (amended 10/28/2004) and claims 3-6 are pending in the instant application.
3. Claims 1-6 are allowed.
4. The following is an examiner's statement of reasons for allowance: the claims are drawn to a method of processing human blood samples to form a DNA complex strand pattern, comprising the steps of: a) mixing a sample of blood containing plasma and blood cells with an anticoagulant to form an anti-coagulated blood mixture; b) centrifuging the anti-coagulated blood mixture in order to separate the plasma from the blood cells; c) preparing a first blood cell mixture in accordance with the following steps: I) preparing approximately one (1) volume of Tris-buffer; II) adding approximately a half (1/2) volume of Tris-buffer saturated phenol, prepared by mixing redistilled phenol with Tris-buffer, to the approximately one (1) volume of Tris-buffer to produce a buffer diluted phenol; and III) adding approximately two (2) volumes of the blood cells to the buffer diluted phenol; d) centrifuging the first blood cell mixture to form a first liquid phase and first blood cell debris; e) preparing a second blood cell mixture by mixing the centrifuged first blood cell mixture and first blood cell debris with approximately a half (1/2) volume of chloroform and approximately a half (1/2) volume of Tris-buffer saturated phenol, prepared by mixing re-distilled phenol with Tris-buffer; f) centrifuging the second blood cell

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mixture to form a second liquid phase and second blood cell debris; g) cooling the second liquid phase and second blood cell debris thereby causing the structural components of the DNA complex within the second liquid phase to aggregate; h) placing an acid alcohol sample consisting of approximately twelve and a half (12 1/2) volumes of freshly made 20% acid alcohol on a slide; and adding a blood cell sample consisting of approximately one fifth (1/5) volume of the cooled second liquid phase onto the center of the top surface of the acid alcohol sample and allowing both samples to dry at room temperature without any disturbance, whereby an aggregate of the DNA complex deposits a strand pattern on the slide. The claims are allowable over the prior art because the prior art does not teach or fairly suggest a method comprising mixing a sample of blood containing plasma and blood cells with an anticoagulant to form an anti-coagulated blood mixture; centrifuging the anti-coagulated blood mixture in order to separate the plasma from the blood cells; preparing a first blood cell mixture comprising approximately one (1) volume of Tris-buffer; a half (1/2) volume of Tris-buffer saturated phenol, and adding approximately two (2) volumes of the blood cells to the buffer diluted phenol; centrifuging the first blood cell mixture to form a first liquid phase and first blood cell debris; preparing a second blood cell mixture by mixing the centrifuged first blood cell mixture and first blood cell debris with approximately a half (1/2) volume of chloroform and approximately a half (1/2) volume of Tris-buffer saturated phenol, centrifuging the second blood cell mixture to form a second liquid phase and second blood cell debris; cooling the second liquid phase and second blood cell debris thereby causing the structural components of the DNA complex within the second liquid phase to aggregate; placing an acid alcohol sample consisting of approximately twelve and a half (12 1/2) volumes of freshly made 20% acid alcohol on a slide; and adding a

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blood cell sample consisting of approximately one fifth (1/5) volume of the cooled second liquid phase onto the center of the top surface of the acid alcohol sample and allowing both samples to dry at room temperature without any disturbance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Jehanne Sitton whose telephone number is (571) 272-0752. The examiner can normally be reached Monday-Thursday from 8:00 AM to 5:00 PM and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones, can be reached on (571) 272-0745. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

Jehanne Sitton
Primary Examiner
Art Unit 1634

Jehanne Sitton
2/17/05